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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

Mail to: Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 Fax: (703) 872-9306

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JAN 21 2005

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

**OFFICE OF PETITIONS**Patent No. 6,168,295 Application Number 09/251,306Issue Date 1/2/01 Filing Date 02/17/99

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable.**

The above-identified patent:

is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_;  
 original application number \_\_\_\_\_;  
 original filing date \_\_\_\_\_.

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_ filed on \_\_\_\_\_.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1/11/05

Date

Rene' McConnell

Signature

Rene' McConnell

Typed or printed name of person signing Certificate

01/26/2005 MAILING 00000022 6168295

450.00 OP  
1640.00 OP

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## 1. SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

| NOT Small Entity                  |               |        | Small Entity   |               |        |
|-----------------------------------|---------------|--------|--|---------------|--------|
| Amount                            | Fee           | (Code) | Amount   | Fee           | (Code) |
| <input type="checkbox"/> \$ _____ | 3 1/2 yr fee  | (1551) | <input checked="" type="checkbox"/> \$ <u>450.00</u> | 3 1/2 yr fee  | (2551) |
| <input type="checkbox"/> \$ _____ | 7 1/2 yr fee  | (1552) | <input type="checkbox"/> \$ _____                    | 7 1/2 yr fee  | (2552) |
| <input type="checkbox"/> \$ _____ | 11 1/2 yr fee | (1553) | <input type="checkbox"/> \$ _____                    | 11 1/2 yr fee | (2553) |

MAINTENANCE FEE BEING SUBMITTED \$ 450.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 1,640.00

## 5. MANNER OF PAYMENT

Enclosed is a check for the sum of \$ \_\_\_\_\_.

Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.

Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. \_\_\_\_\_. A duplicate copy of this authorization is attached.

## 7. OVERPAYMENT

As to any overpayment made please

OR

Credit to Deposit Account No. \_\_\_\_\_

Send refund check.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## 8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

## 9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.



Signature(s) of Petitioner(s)

1/1/05

Date

Steven C. Donner

Typed or printed name(s)

Registration Number, if applicable

(858) 505-4740

Telephone Number

3914 Murphy Canyon Rd., A107

Address

San Diego, CA 92123

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

## ENCLOSURES:

Maintenance Fee payment (credit card payment form)

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

Maintenance Fee Transmittal Form

Letter of explanation.

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## MAINTENANCE FEE TRANSMITTAL FORM

Address to:  
U.S. Patent and Trademark Office  
P.O. Box 371611  
Pittsburgh, PA 15250-1611

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611" on 1/11/06

Signature Rene' McConnell

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Typed or printed name Rene' McConnell

JAN 21 2006

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

OFFICE OF PETITIONS

- A check for the amount of \$ \_\_\_\_\_ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
- The Director is hereby authorized to charge \$ \_\_\_\_\_ to cover the payment of the fee(s) indicated below to Deposit Account No. \_\_\_\_\_. A duplicative copy of this form is enclosed.
- The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicative copy of this form is enclosed.
- Payment by credit card. Form PTO-2038 is attached.

\* Information required by 37 CFR 1.366(c) (columns 1 &amp; 4). Information requested under 37 CFR 1.366(d) (columns 2, 3, &amp; 5)

| Item                     | Patent Number* | Maintenance Fee Amount<br>(37 CFR 1.20 (e)-(g)) | Surcharge Amount<br>(37 CFR 1.20(h)) | U.S. Application Number*<br>[e.g., 06/555,555] | Payment Year   |         |          |
|--------------------------|----------------|---|--------------------------------------|--|--|---------|----------|
|                          |                |   |                                      |  | Column 5   | 3.5 yrs | 7.5 yrs  |
| Column 1                 | Column 2       | Column 3  | Column 4                             | Column 5                                       | 3.5 yrs  | 7.5 yrs | 11.5 yrs |
| 1                        | 6,168,295      | 450.00  | 1,640.                               | 09/251,306                                     | 2004   |         |          |
| 2                        |                |   |                                      |  |  |         |          |
| 3                        |                |   |                                      |  |  |         |          |
| 4                        |                |   |                                      |  |  |         |          |
| 5                        |                |   |                                      |  |  |         |          |
| Subtotals: Columns 2 & 3 |                | 450.00  | 1,640.                               |  |  |         |          |
| Total Payment            |                | \$ 2,090.00                                     |                                      | <input type="checkbox"/>                       | additional sheets attached for listing additional patents. |         |          |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.**

Respectfully submitted, \*\*

Customer's Signature: 

Customer's Name: Steven C. Donner

Registration Number, if applicable:

Telephone: (858) 505-4740

Fax: (858) 505-4117

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided.  
See 37 CFR 1.363.

**Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).**

**\*\* WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.**

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 0.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



January 11, 2005

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**OFFICE OF PETITIONS**

United States Patent and Trademark Office  
PO Box 371611  
Pittsburgh, PA 15250-1611

Ref: Patent No. 6,168, 295

To Whom It May Concern:

Allied Lighting Systems, Inc. has a reissue application pending (10/325,072) on the above referenced patent and we believed the maintenance fee schedule would be extended based on a new reissue date. As a result, the payment was not made on time. We subsequently learned from a patent attorney that the original maintenance fee schedule was still in effect.

Sincerely,

Steven C. Donner  
President & CEO

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ALLIED LIGHTING SYSTEMS, INC.

3914 Murphy Canyon Road • Suite A107 • San Diego, California 92123  
Office: 858.505.4740 • Facsimile: 858.505.4117 • [www.alliedlighting.com](http://www.alliedlighting.com)